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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,074	10/16/2003	Carsten Heuer	34874-021	8900
64280	7590	12/16/2008		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2169	
			MAIL DATE	DELIVERY MODE
			12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,074

Applicant(s)

HEUER ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2169

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is issued in response to amendment filed 10/14/08.

Claims 1-10 and 15-23 are pending.

Claim Rejections - 35 USC § 102

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Regarding Claims 1, 15, 18, and 21, Banker discloses a method of facilitating searches in a data repository, the method comprising:

displaying a control in a computer user interface (Fig. 1, 400A, Banker), the control presenting a plurality of selectable, predetermined search options that a user can select for execution, each search option specifying and displaying in the control both an associated predetermined query to be performed on a data repository and an associated predetermined visual configuration for displaying a result of the predetermined query (Fig. 1, 422, 418, Banker);

receiving input from the user when the user selects one of the plurality of predetermined search options presented by the computer user interface control (Fig. 4, 400A, Banker);

performing the predetermined data repository query associated with the selected predetermined search option and displaying the result of the predetermined query using the

predetermined visual configuration associated with the selected search option (Paragraph 705, Banker).

Regarding Claims 2, Banker discloses a method wherein at least two of the predetermined search options specify a common predetermined query and different predetermined visual configurations (Fig. 4, 426, Banker).

Regarding Claim 3, Banker discloses a method wherein at least two of the predetermined search options that specify a common predetermined visual configuration specify different predetermined queries (Fig. 4, 422, Banker).

Regarding Claim 4, Banker discloses a method wherein the data repository comprises data that can be associated into any of a plurality of key figures, and wherein the predetermined query specifies a key figure to be determined from the repository data (Fig. 4, 422, Banker).

Regarding Claim 5, Banker discloses a method wherein the repository data associated with the specified key figure can be organized according to a plurality of characteristics, and wherein the predetermined query specifies that the key figure data be organized according to at least one of the characteristics (Fig. 7, 706B, Banker).

Regarding Claim 6, Banker discloses a method wherein the predetermined query specifies at least two key figures to be determined from the repository data (Fig. 7, 714, Banker).

Regarding Claim 7, Banker discloses a method wherein the data repository includes a result of a previously executed data repository query, and wherein the predetermined query selected by the user is specified to be performed on the result (Fig. 7, 710, Banker).

Regarding Claim 8, Banker discloses a method wherein the displayed control presents the predetermined search options in response to input received from the user (Fig. 7, 706A, Banker).

Regarding Claims 9, 16, and 19, Banker discloses a method wherein the displayed control presents a user-defined search option (Fig. 4, 426, Banker).

Regarding Claim 10, Banker discloses a method wherein the input received from the user comprises a single action using the displayed control (Fig. 4, 100, Banker).

Regarding Claim 17, Banker discloses a method wherein the displayed control comprises a drop-down list box that the user can activate to present the plurality of predetermined drill down options (Fig. 4, 429, Banker).

Regarding Claim 20, Banker discloses a computer program product further comprising executable instructions for managing the data repository (Fig. 3, 306, Banker).
Regarding claim 23, Banker discloses a method further comprising prompting the user to reconfigure one of the plurality of drill down options so that the reconfigured one of the plurality, of drill down options presents and displays a different combination of a the predetermined drill down query, presented and displayed in the control or prompting the user or prompting the user to define a new drill down option for presentation in the control, the new drill down option specifying both a new associated predetermined query to be performed on a data I repository and a new associated predetermined visual configuration for displaying a result of the predetermined query (Fig. 4, Banker).

Response to Arguments

Applicant's arguments filed 10/14/08 have been fully considered but they are not persuasive.

It is a well settled rule that a reference must be considered not only for what it expressly teaches but also for what it fairly suggests. See *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. See *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Applicant argues the Banker does not disclose or suggest “the use of a control that is displayed in a user interface wherein the control presents two or more selectable, predetermined search options ...”.

Examiner disagrees. Banker at Fig. 7, 706A, discloses the display in a user interface with one or more selectable predetermined search option.

Applicant argues the office has provided no explanation on its allegation that the keyboard 400A of Banker.

Examiner disagrees. The Cited portion of the Banker as disclosed in Paragraph 153 discloses the detail description of Fig. 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4125. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2169
Dec. 12, 2008